



AF/3713  
JFW

82990F-P

Customer No. 01333

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Edward Covannon, et al

AN INTELLIGENT TOY WITH  
INTERNET CONNECTION  
CAPABILITY

Serial No. 09/915,448

Filed 26 July 2001

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA. 22313-1450

Sir:

Group Art Unit: 3713

Examiner: John M. Hotaling

I hereby certify that this correspondence is being deposited today with the United States Postal Service as first class mail in an envelope addressed to Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*Carol J. Murphy*  
Carol J. Murphy  
*August 30, 2004*  
Date

**APPELLANTS' REPLY BRIEF**

In response to the grouping of the claims, the Examiner is correct in that Group 1 containing claims 47-50, 52-53 and 55-72 stand or fall together. Additionally claim 62 stands or falls together as part of Group II and claim 64 stands or falls as a part of Group III. Applicants incorrectly referred to claims 51 and 54 when correct reference should have been to claims 62 and 64 respectively. Applicants apologize for this error.

Applicants would first like to reiterate that the present invention is directed to an "interactive device" that is designed to provide "self-generating interaction" with one or more users. That is, a device that acts in and of itself based on its own programming, and provide interaction with the user without any input or other type of triggering mechanism that may be provided by the user. Thus, a device made in accordance with the present invention, such as toys, will interact with the user in accordance with the programming of that particular toy or device.

The Examiner states that Figure 1a of Gershman et al. discloses where the user with a device communicates with a plurality of devices. The PDA of Gershman is simply a display device that displays and provides information. It

is not a device designed to be an interactive device designed to interact with the user to which the present invention is directed.

As previously set forth in Applicants' Appeal Brief, the independent claims specifically require that the claimed device of claim 1 has "means for independently obtaining the identity of said one or more users". Thus, it's the device itself that determines who the user is at any particular time. This can be accomplished, for example, by voice recognition or by some other means. This is not the same as providing input by a user as to who is using the device. The present invention specifically requires that the device has means for independently obtaining this information. Therefore, Applicants respectfully submit on this one basis alone, the Gershman reference could not anticipate the present invention as it clearly lacks in teaching this claimed element, nor is there anything in Gershman to teach or suggest providing of such.


The Examiner, in response to Applicants' arguments presented in the Appeal Brief, argues that Gershman provides some type of self-generating interaction. In support of this the Examiner cites column 61 where it discloses a situation in which the PDA may automatically send to selected services information based on a biosensor. However, this is not the same thing as an interactive device. In this situation the device of Gershman is actually no more than an alarm system, not an "interactive device" to which the present invention is directed. The interactive device of the present invention is designed for interaction with the user. In the passage cited by the Examiner, the device is simply monitoring a physical characteristic of the user and relays this information on to a third party. This is nothing more than a monitoring device that is common in hospitals. Applicants respectfully submit that this is not the same as to which the present invention is directed. Accordingly, Gershman does not teach or suggest anything which would render Applicants' invention obvious.

With regard to dependent claim 62 in Group II, as previously noted, Applicants inadvertently referred to claim 51 where there is introduced a second interactive device which interacts with the first interactive device and therefore this claim is patentably distinct for the reasons discussed in Applicants' Brief. There is nothing in Gershman that teaches or suggests the providing of two interactive devices that are capable of interacting with the users.

With regard to claim 64 of Group III, again Applicants inadvertently referred to claim 54 which includes the limitation of having means for obtaining identity of said one or more users is recognition of a physical characteristic. There is nothing to teach or suggest in Gershman that the biosensor could identify the individual based on the biosensor. This is not taught or suggested by the prior art.

In view of the foregoing and Applicants' Appeal Brief, Applicants respectfully submit that the claims in their present form are in condition for allowance and such action is respectfully submitted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Frank Pincelli", written over a horizontal line.

Attorney for Applicant(s)  
Registration No. 27,370

Frank Pincelli/phw  
Rochester, NY 14650  
Telephone: 585-588-2728  
Facsimile: 585-477-4646